

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT BECKLEY**

CHARLES MUHAMMAD ABDUS-SHAHEED  
CUNNINGHAM,

Plaintiff,

v.

CIVIL ACTION NO. 5:24-cv-0031

FCI BECKLEY (Food Services),  
KITCHEN MANAGER BAILEY, MR. LAW, and  
DR. ADKINS,

Defendants.

**ORDER**

Pending is Plaintiff Charles Muhammad Abdus-Shaheed Cunningham’s Amended Complaint [Doc. 7], filed February 28, 2024. This action was previously referred to the Honorable Omar J. Aboulhosn, United States Magistrate Judge, for submission of proposed findings and a recommendation (“PF&R”). Magistrate Judge Aboulhosn filed his PF&R on August 2, 2024. Magistrate Judge Aboulhosn recommended that the Court dismiss Mr. Cunningham’s Amended Complaint and Supplement as to all claims against FCI Beckley (Food Services) and refer this matter anew for further proceedings concerning Mr. Cunningham’s Eighth Amendment claims against the individual defendants.

The Court need not review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140 (1985); *see also* 28 U.S.C. § 636(b)(1) (“A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations *to which objection is made.*” (emphasis

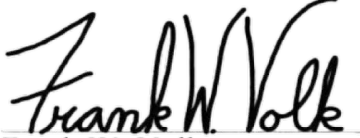
added)). Failure to file timely objections constitutes a waiver of de novo review and the Petitioner's right to appeal the Court's order. *See* 28 U.S.C. § 636(b)(1); *see also United States v. De Leon-Ramirez*, 925 F.3d 177, 181 (4th Cir. 2019) (Parties may not typically "appeal a magistrate judge's findings that were not objected to below, as § 636(b) doesn't require de novo review absent objection."); *Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989). Further, the Court need not conduct de novo review when a party "makes general and conclusory objections that do not direct the Court to a specific error in the magistrate's proposed findings and recommendations." *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). Objections in this case were due on August 19, 2024. No objections were filed.<sup>1</sup>

Accordingly, the Court **ADOPTS** the PF&R [**Doc. 15**], **DISMISSES** Mr. Cunningham's Amended Complaint and Supplement [**Docs. 7, 7-1, and 8**] as to all claims against FCI Beckley (Food Services), and **REFERS** the matter **ANEW** to the Magistrate Judge for further proceedings concerning Mr. Cunningham's Eighth Amendment claims against the individual Defendants.

The Court directs the Clerk to transmit a copy of this Order to any counsel of record and any unrepresented party.

ENTER: October 3, 2024



  
 Frank W. Volk  
 Chief United States District Judge

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<sup>1</sup> On August 12, 2024, Mr. Cunningham responded to the PF&R noting his "agree[ment] to the terms set regarding payment for filing." [ECF 20 at 1]. No objections were made therein.